

**A LAW TO SAFEGUARD PERSONS WITH DISABILITIES FROM ALL FORMS OF DISCRIMINATION, PROMOTE ACCESS AND THEIR OPPORTUNITIES IN ALL ASPECTS OF LIVING IN THE SOCIETY AND FOR RELATED MATTERS**

ENACTED By the Jigawa State House of Assembly:

Prohibition from  
Discrimination and  
Harmful Treatment

1. (1) No person with disability shall be discriminated against on the ground of his or her disability by any person or institution in any manner or circumstances.
- (2) No person with disability shall be subjected to prejudice or harmful practices, including those based on sex, work, age or tradition in any area of life.
- (3) Persons with disabilities shall have rights to sue any individual, corporate body or government and its agencies for damages in the event of the violation of their fundamental rights.
- (4) Government shall provide free legal aid without condition to persons with disability through the community law centres when required.

Women and  
Adolescent Girls with  
Disabilities

2. Government shall ensure that women and adolescent girls with disabilities have access to all the rights and opportunities specified under the provisions of this Law.

Prohibition from  
Cruelty and Inhuman  
Treatment

3. (1). No person with disability shall be subjected to:
  - (a) medical or scientific experiment without his or her consent; or
  - (b) torture, cruelty, inhuman or degrading treatment.
- (2) No person shall employ, use or involve persons with disabilities for alms begging.
- (3) Any person found guilty of contravention of sub section (1) or (2) shall on conviction be liable to a fine of one hundred thousand naira (N100, 000. 00) or with imprisonment for a term of not less than one (1) year or both.

Provision of Adequate standard of Living and Social Protection

4. (1) (a) state and Local Governments shall give special consideration to persons with disabilities in welfare, poverty reduction and other programs.
- (b) state and Local Governments shall provide social security for persons with disabilities in line with existing law.
- (2) Persons with Disabilities shall have access to appropriate and affordable clean water and sanitation facilities for disability related needs.
- (3) Where accommodation is being provided by schools, employers, organizations, government and in any other circumstances whatsoever, persons with disabilities shall be given consideration for reservation.

Provision of Facilities in Public Buildings

5. (1) Persons with disabilities shall have the right and necessary facilities to access public buildings and public places.
- (2) No public building shall be constructed without the necessary accessibility aids that shall make them accessible and usable to persons with disabilities.
- (3) The Government shall ensure that roads, side-walks , pedestrian crossing and all other facilities made for public use are accessible to and usable by persons with disabilities.
- (4) From the date of commencement of this Law, there shall be a transitory period of five (5) years within which all public buildings, roads, pedestrian crossings and all other structures be modified to be accessible to and usable by persons with disabilities.
- (5) (a) the relevant authorities shall ensure that the plan for all public buildings conforms to the building code provided by the universal design before approval is granted.
- (b) the relevant authority or individual responsible for the approval of building plan shall not approve the plan of a public building if the plan does not make provisions for accessibility facilities in line with universal design
- (6) (a) persons with disabilities shall have a right to notify

the Board of the state of inaccessibility or barrier to accessibility of any public place.

(b) upon the receipt of such complaint or notification stated in sub section (6) (a) of this section, the board shall take immediate and necessary steps to ensure the removal of the barrier and make the environment or public place accessible to persons with disabilities.

Situation of Risk  
And Humanitarian  
Emergencies

6. (1) Government shall take all necessary measures to ensure safety of persons with disabilities in all situations of risk including situation of armed conflict, humanitarian emergencies and occurrence of natural disasters.
- (2) Persons with disabilities shall be given first consideration as much as possible in queues.
- (3) Government and other private institutions shall install emergency devices such as fire alarm, flash lights and vibration triggered systems in their buildings and facilities.

Right of Children with  
Disabilities

7. (1) Parent and guardian of children with disabilities shall ensure that such children within and outside the home are free from all forms of neglect, exploitation, violence or abuse including their gender-based aspects.
- (2) Government shall take appropriate measures to prevent all forms of exploitations, violence and abuse by ensuring appropriate forms of gender and age sensitive assistance and support for persons with disabilities, their families and care givers including the provision of information and education on how to avoid, recognize and report instances of neglect, exploitation, violence or abuse.
- (3) In order to prevent the occurrences of all forms of exploitation, violence or abuse, all facilities and programmes designed to serve persons with disabilities shall be effectively monitored by the Board.
- (4) Parent or guardians of children with disabilities shall take advantage of free education for children with disabilities in the state to ensure that such children get educated to at least Secondary School Level.
- (5) Children living with disabilities shall not be discriminated against and shall be entitled to equal rights and treatments to recreations, maintenance, and training with other

children in the family.

- (6) No child shall be concealed, abandoned, neglected or segregated on the basis of his or her disability.
- (7) Children born with apparent disability shall be registered immediately after birth by the Board and shall have right to:
  - (a) access any public health institution; and
  - (b) free and compulsory education up to secondary level.
- (8) Government shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
- (9)
  - (a) subject to subsection (6) of this section, no child shall be separated from his parents on the basis of a disability of either or both parents unless on special cases.
  - (b) for the purpose of medical treatment, rehabilitation, training or general improvement, children with disabilities may be temporarily separated from their parents provided that such parent shall have right to visit.
- (10) The government and all relevant agencies shall provide and sponsor alternative care for children with disabilities where the immediate family is unable to provide the needed care.
- (11) In all matters concerning children with disabilities, the best interest of the child shall be the primary consideration.

Right to Health

- 8. (1) Government shall provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons including deferral and exemption scheme.
- (2) Where a medical officer suspects disability in the course of medical examination, he shall issue and submit to the board a medical report of disability.
- (3) Any hospital where a person with communication disorder is being attended to shall ensure provision of communication support.

- Right to Education
9. (1) Every person with disability shall have an unfettered right to education without discrimination or segregation in any form.
- (2) All schools shall be run in a manner that is accessible to persons with disabilities.
- (3) In accordance with subsection 2 of this section, every school shall have:
- (a) at least a trained personnel to cater for the educational development of persons with disabilities;
  - (b) a program for continued training of personnel catering for persons with disabilities;
  - (c) special facilities within the institution for the effective education of persons with disabilities;
  - (d) programme for cooperation and collaboration with relevant authorities, institutions or associations to ensure early education of persons with disabilities.
- (4) The Ministry of Education shall collaborate with relevant agencies to design a program of activities that will promote interaction between children with disabilities and other children in an inclusive education system.
- (5) The scheme of work of all schools shall include the following for children with disabilities
- (a) learning of braille;
  - (b) sign language;
  - (c) augmentative and alternative communication skills;
  - (d) peer support; and
  - (e) mentoring.
- Right to Work and Employment
10. (1) Persons with disabilities shall have right to work on equal basis with others, this includes the right and opportunity to gain a living by working freely in a chosen or accepted labour market and work environment.

- (2) No employer or his agent shall discriminate against persons with disabilities in any manner whatsoever including but not limited to:
  - (a) job application procedure;
  - (b) the terms and conditions of employment;
  - (c) denying the employees access or limiting the employees access to opportunity for promotion , advancement, transfer or training, or any other benefit associated with employment;
  - (d) on-the job training;
  - (e) work place accommodation
  - (f) accommodation, where applicable;
  - (g) employee compensation;
  - (h) dismissal mainly on the ground of disability; or
  - (i) subjecting the employee to any other detriment.
- (3) Any employer of labour employing up to 100 persons shall reserve at least 5% of such workforce for qualified persons with disabilities and in any other case at least 1% shall be reserved for them.
- (4) Any employer who violates the provision of sub section 3 of this section commits an offence and shall be liable to a fine of not less than Two hundred thousand naira.
- (5) There shall be a monthly standing order of fifteen thousand naira to each of the disables chief in the five emirates from the vote of the board.
- (6)
  - (a) government shall take steps to ensure the self-reliance of persons with disabilities, and give adequate assistance to persons with disabilities who desire to be employed.
  - (b) no employee shall be relieved of his employment on the ground of disability sustained during his employment.
- (7) An employer of labor whose employee sustained disability shall:

Remuneration of  
Disables  
Chiefs

- (a) retain and re-train the employee for effectiveness within the organization;
- (b) pay off such employee with a sum that is not less than the aggregate value of his Forty Eight (48) Months salary, if his disability is of such degree that permanently renders him unable to discharge his function or any other function that may be assigned to him; or
- (c) pay off such employee with a sum that is not less than the aggregate value of his sixty (60) months salary, if the disability sustained in the course of the employment is of such degree as to permanently render the employee unable to discharge his function or any other function that may be assigned to him.

Right to Participate  
in Politics and  
Government Policies

11. (1) Government shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to ensure that persons with disabilities can effectively and fully participate in political and government policies on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be voted for:
- i) ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - ii) protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation and to stand for elections to effectively hold office and perform all public functions at all levels of government.
- (2) Government shall consider persons with disabilities in political and executive appointments at both State and Local Governments level.

Right to Freedom

12. (1) Persons with disabilities shall have freedom of expression and opinion including the freedom to seek, receive and impart information and ideas through any means of communication of their choice.

(2) Government, corporate organizations and individuals shall:

(a) provide information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to the different kinds of disabilities at the appropriate time and at no additional cost;

(b) accept and facilitate the use of sign languages, braille, augmentative and alternative communication in all interactions.

Right to Drive

13. (1) Subject to any other law in force, persons with disabilities shall have right to drive any vehicle provided that:

(a) his or her disability is not proved to reasonably impede his or her ability to drive

(b) the vehicle has been modified as to enable him or her drive safely.

Right to Communal Life

14. (1) Persons with disabilities shall have the right to live in the community with choices equal to others and shall have full enjoyment of their rights and full inclusion and participation in the community.

(2) Persons with disabilities shall not be isolated or segregated from the community or compelled to live in particular area except on medical ground, any other law in force or in accordance with provisions of the constitution of the Federal Republic of Nigeria.

Right to Transportation

15. Government shall ensure while providing public transportation that provisions are made for accessible transport for persons with disabilities.

Right to Participation in Cultural life, Recreation, Leisure and Sport

16. (1) The right of persons with disabilities to take part on an equal basis with others in cultural life is guaranteed and accordingly government shall take all appropriate measures to ensure that persons with disabilities:

(a) enjoy access to cultural materials in accessible formats;

(b) enjoy access to television programmes, films, theaters and other cultural activities in accessible formats;



- (c) enjoy access to places for cultural performance services such as theatres, museums, cinemas, libraries, tourism services and as much as possible enjoy access to monuments and sites of national cultural importance.
- (2) Government shall take appropriate measures to enable persons with disabilities have the opportunity to develop and utilize their creative, artistic and intellectual potentials not only for their own benefits but also for the enrichment of the society.
- Establishment of Disability Fund      17 (1) There shall be established a fund to be known as Jigawa State Persons with Disabilities Fund.
- (2) The purpose of the fund shall be the advancement of the cause of Persons with Disabilities in the State.
- (3) Government, unions, organizations or individuals may make contribution to the fund for the benefit of Persons with Disabilities provided that corporate bodies operating in the State shall contribute to the fund or execute certain projects or programmes for Persons with Disabilities based on Corporate Social Responsibilities.
- (4) The fund shall be administered by the Board saddled with the responsibility of implementing the provisions of this Law.
- Empowerment Programme      18. The Board shall include in its Annual Estimates empowerment Programmes for Persons with Disabilities in the State based on participatory budget.
- Power to make Regulation      19. (1) The Board shall have power to make regulations, guidelines, directives or manual for the purpose of giving effect to the provisions of this Law.
- Interpretation      20. In this Law:
- “**Accessibility aid**” includes any fixture and any device that aids accessibility.

**“Assistive Device”** means any device that assists, increase or improves the functional capabilities of persons with disabilities;

**“Augmentative and alternative communication”** means the art of studying and (when necessary compensation) temporary or permanent activity limitation and participation restriction of an individual with severe disorder of speech language production and / or comprehension, including spoken or written modes of communication;

**“Board”** means Jigawa State Rehabilitation Board;

**“Close Caption”** means service for person with hearing disabilities that translates television program dialogue into written words;

**“Communication Disorder Disability”** means the kind of disability that affects the natural means of communication of a person; including but not limited to deafness and blindness;

**“Disability”** means state of substantial impairment of the physical, visual, vocal, auditory , sensory , or mental capabilities of a person at birth or by injury, sickness or it’s effect or congenital deficiency;

**“Environment”** includes buildings, roads, sidewalks, pedestrian crossings, open spaces, etc.

**“Government”** means the Jigawa State Government;

**“Governor”** means Governor of Jigawa State;

**“Multiple Disability”** means more than one disability occurring in person’s life;

**“Public Building”** means building owned or used by Government or Government office, or a building available for the use of members of the public;

**“Relevant Authority”** means the person, natural or artificial, or body including ministry whose duty is to take an action that is in issue;

**“Special Communication”** means special means (including sign language, augmentative and alternative communication) of communicating with person with speech or hearing disability;

**“State”** means Jigawa State of Nigeria;

Citation and  
Commencement

21. This Law may be cited as the Persons with Disabilities Law, and shall come into operation on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

**MADE AT DUTSE THIS \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_**

\_\_\_\_\_  
**MUHAMMAD BADARU ABUBAKAR, MON, Mni  
Governor  
Jigawa state.**